

DRAFT

In re Application

BERNA, Philippe et al

Serial No. 08/321,589

Filed: Oct. 12, 1994

For: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE
 DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH
 A DEVICE AND ITS USE

DRAFT

Group Art Unit: 3206

Examiner: Tom Hughes

Molières-sur-Cèze, France
 July 24, 1995

AFFIDAVIT CONSIDERATION

Hon. Commissioner of Patents and Trademarks
 Washington, D.C. 20231

Sir:

The Applicant has just received the last communication dated 07/03/95 from the Examiner as a final action and has been surprised to read that the affidavit traversing a rejection which was registered mailed on 06/09/95 from France to the P.T.O. has not been taken into consideration. Now it takes a maximum of ten days for a registered mail from France to reach the P.T.O.. So this affidavit ought to have been received by the P.T.O. at the latest on 06/19/95, i.e. largely prior to this final action date. Normally, according to M.P.E.P. 716, this affidavit should have been considered. It is a pity it has not because this affidavit was intended for clearly underscoring a very advantageous result of the present invention in comparison with the prior art so as to place the case in better condition for allowance. It would be kind of the Examiner of making known the Applicant whether this affidavit has been received by the P.T.O and if yes when it is to be taken into consideration.

On the other hand, the Applicant thanks the Examiner for the informations about the new possibility of having a first submission under new provision 37 CFR 1.129(a). Although the Applicant has renewed his subscription to the M.P.E.P. on 03/26/95, no new update has been received by him until now and according to how things went off in the past he does not expect one before several months. So he would be very indebted to the Examiner if a copy of the new provisions 37 CFR 1.129 (a) and 37 CFR 1.17 (r) could be sent to him.

Respectfully submitted and with many thanks in advance for the answer.

Philippe Berna

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper has been facsimile transmitted to the Patent and Trademark Office on the date shown below.

Philippe Berna

Signature

Date